

LEVEL I

RECEIVED

JUN 29 2009

Brown, K. 207902
Inmate Name and NumberRed Onion State Prison
Institution620-29798
Log Number Deputy Director, Operations**LEVEL I: Warden's Response.** (To be completed and mailed within thirty calendar days.)

Grievance Summary: You stated "The Final Call" (Volume 28 - #20) was arbitrarily disapproved by Major Fleming and the Publication Review Committee on May 18, 2009 without due process. This facility has not been any safer by denying this religious publication repeatedly for over seven months. You should be allowed to have this publication.

Informal Summary: Your Publication Disapproval Notice dated May 18, 2009 is attached to the grievance.

Investigation: As you were advised by the memorandum dated May 18, 2009, your publication was reviewed and determined to violate Procedure 803.2, #12. This decision was made by the Publication Review Committee, and Major Fleming was notified of their decision. All books, publications, and tapes are subject to review for compliance with Procedure 803.2 prior to delivery to you. The policy number of the violation for this particular issue is noted on your disapproval notice. All publications are reviewed on a case-by-case basis in accordance with policy guidelines.

Policy/Procedure: Operating Procedure 803.2, #12 governs this issue.

In accordance with the above information, this grievance is considered to be **UNFOUNDED**, as procedures have been correctly applied. No further action appears to be necessary at this time.

S. S. [Signature]
Warden

6-18-09
Date

In accordance with procedure 866 governing Inmate Grievance Procedures, if you are dissatisfied with this response you may appeal this decision within five (5) calendar days to:

Deputy Director of Operations
P. O. Box 26963
Richmond, Virginia 23261-6963

I wish to appeal the LEVEL I Response because:

See Attachments

K. Brown 207902
NAME AND INMATE NUMBER

06/22/09
DATE

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JUL 01 2009

Ombudsman Services Unit

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APPEAL OF GRIEVANCE: Log NUMBER 620-29798 Ombudsman Services Unit

AS IT RELATE TO FINAL CALL VOL. 28 #20, IT WAS ALLEGED TO VIOLATE PROCEDURE 802.2 #12. THOUGH, THIS HAS BEEN THE CLAIM FOR OVER SEVEN MONTHS, AFTER BEING PERMITTED INTO RED OXON SINCE 1998; AND VA-D.O.C., SINCE 1989.

AUTHORITIES HAVE CITED THIS CLAIM, WITHOUT PROVIDING ME WITH ANY PROOF, THAT THIS PUBLICATION VIOLATE SUCH POLICY. THIS SHOULD INCLUDE SOME FACTUAL DOCUMENT - CITED FROM PUBLICATION (PAGE, PARAGRAPH, ETC.) AND/OR PROOF THAT ~~IT~~ IS LINKED TO SOME FORM OF DISORDER, VIOLENCE; ASSAULTS; Riots; ESCAPE DISRUPTION; AND/OR VERBAL ASSAULTS AGAINST OFFENDERS / STAFF. THERE HASN'T BEEN ANY LISTED, DOCUMENTED PROOFS; ONLY RECITAL OF POLICIES. THIS IS CLEARLY AN ARBITRARY DECISION BY AUTHORITY, THAT IN TRUTH, VIOLATES THE DUE PROCESS CLAUSE (AS LISTED IN VIRGINIA'S STATE CONSTITUTION), AND LIBERTY INTER FOR A PRISONER TO PRACTICE HIS/HER RELIGION.

THIS PRISON DOES, NOT, IN ANY WAY, PROVIDE, OFFER OR GIVE RELIGIOUS MATERIAL OF AND BY THE NATION OF ISLAM; I AM NOT A SONNIE MUSLIM; I'M NOT A SHIAH MUSLIM; I FOLLOW THE RELIGIOUS TEACHINGS OF THE HONORABLE ELIJAH MUHAMMAD, AS TAUGHT BY THE HON. LOUIS FARAKHAN: A RECOGNIZED RELIGIOUS DENOMINATION WITHIN VA-D.O.C. RED OXON DOES NOT SHOW NATION OF ISLAM VIDEOS VIA, CABLE CIRCUIT TELEVISION. (THEY'VE SHOWN ONE VIDEO BY THE HON. LOUIS FARAKHAN IN 14 MONTHS - IT WAS OLD, CUTS OFF IN MIDDLE OF PROGRAM.) THE ONLY WAY A BELIEVER OF THE TEACHINGS OF THE NATION OF ISLAM CAN RECEIVE SPIRITUAL TEACHINGS IS TO PURCHASE AND/OR HAVE MATERIALS DONATED. THIS RELIGIOUS PUBLICATION HAS BEEN COMING INTO VA-D.O.C. SINCE 1988, AND HAS NEVER BEEN LINKED TO DISORDER, VIOLENCE, GANG ACTIVITY, TERRORISM OR ANY FORM OF CRIME OR ARREST. SUCH FACT IS EVIDENCE AT APPLICABLE PRISONS RED OXON HAS OFFERED NOTHING TO COUNTERACT MY PROOFS, VERSUS THESE CLAIMS

(BACK)

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I BASE this appeal upon the facts that:

- 1) Red ONION HAS OFFERED NO DOCUMENTED EVIDENCE OR FACTS TO SUPPORT SUCH CLAIMS, THAT THIS RELIGIOUS PUBLICATION VIOLATES SO3.2 #12
- 2) Red ONION HAS NOT VEXED THIS MATTER, BARRED OF PREJUDICE OR BIASISM (THEY HAVE USED THE SAME ALLEGATION FOR 7 MONTHS - AFTER THIS SAME PUBLICATION HAS BEEN PERMITTED WITHIN VA. D.O.C. SINCE 1988 - OVER 20 YRS. WITHOUT HAVING ONE ISSUE DISAPPROVED.) I AM OF FIRM BELIEF THAT THESE DENIAL ARE WITHOUT MERIT, RELIGIOUS BIGOTRY, AND RACIAL CHARGE. (THESE SAME ISSUES ARE BEING EXCEPTED AT GREENSVILLE; SUSSEX I AND SUSSEX II; AUGUSTA, AND OTHER LEVEL III & II.)
- 3) THAT Red ONION'S ACTIONS TO DENY - REPEATEDLY - THE RELIGIOUS PUBLICATION IS A VIOLATION OF THE PROCESS OF PRISONERS RIGHTS, THAT MATERIAL SHOULD BE REVIEWED - TRULY - INDEPENDENTLY, INDIVIDUALLY, AND WITHOUT PREJUDICE AND IMPARTIALLY (How do you go from none being denied in 20 yrs, to now being denied, EVERY WEEK, SINCE NOVEMBER 2008?) A RUBBER STAMP IS BEING USED. (IN FACT, THE NEW CLAIM, AS OF APRIL 2009, THAT THE PUBLICATION PROMOTE AND ADVOCATE TERRORIST ACTIVITY - LUDICROUS!)
- 4) NO REPEATED RIOTS, ESCAPES, ASSAULTS, ACTS OF DISORDER, VERBAL ASSAULTS UPON STAFF, OFFICER, AND FOR PRISON DUE TO THIS PUBLICATION. NOTHING HAS BEEN PRESENTED TO SUGGEST THAT THIS PUBLICATION TRULY VIOLATE SO3.2 #12.

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TRUE ENOUGH, RED ONION HAS EXHIBITED GROSS ISLAMOPHOBIA; AND HAS DENIED MYSELF AND OTHERS TO PRACTICE OUR RELIGION / FAITH. (IT SHOULD NOT BE STOPPED OR DENIED, JUST BECAUSE WE'RE HELD IN SEGREGATION ONLY)

I ASK THAT YOU, MR. JACO, REVIEW THE MATTER, BASED UPON THE FACTS, AND THE FACTS ONLY. (NONE HAS BEEN OFFERED IN THE MATTER.

SINCERELY

Mr. K. Brown

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JUL 01 2009

Ombudsman Services Unit



REGULAR GRIEVANCE

2

Log Number: 620-29798

BROWN, K	207902	D	313
Last Name	First	Number	Building
Cell/Bed Number			

WHAT IS YOUR COMPLAINT? (Provide information from the informal process: Attach Informal Complaint or other documentation of informal process.) THAT P.R.C./MAJOR FLEMING ARBITRARILY DENIED my Petition for Publication. There has been no documented evidence, proofs, or facts presented to support their claim; only quoted policy. This violates the due process of 803.2. I've been DENIED A FAIR AND IMPARTIAL REVIEWING OF THE FACTS, EVIDENCE AND DOCUMENTS IN THIS MATTER. R.O.S.P. HAS NOT BEEN MADE LESS SAFER OR MORE SAFER (OVER THE PAST 7 MONTHS) AS A RESULT OF DENYING THE PUBLICATION; NO ROB, ASSAULTS, ESCAPES, ETC. THIS DOES NOT SERVE A STATE OR PENOLOGICAL INTEREST, AND NOT THE LESS RESTRICTIVE MEANS.

What action do you want taken? THAT I BE PROVIDED THE PUBLICATION; THAT P.R.C AND MAJOR FLEMING STOP VIOLATING DUE PROCESS AS OFFERED VIA 803.2

Grievant's Signature: K. Brown
Warden/Superintendent's Office: J. Taylor
Date Received: 5/22/09

RECEIVED Date: 05/20/09
JUL 01 2009

Ombudsman Services Unit
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MAY 22 2009

GRIEVANCE
Revision Date: 5/29/07



MEMORANDUM

Red Onion State Prison

Warden: Tracy S. Ray

TO: Brown Kelvin 207992 L 513
FROM: Major L. Fleming, Chief of Security
DATE: 5/18/2009
SUBJECT: Publication Disapproval

Your publication The Final Call Vol 28 # 20 has been reviewed by PRC and it has been determined that you cannot possess these publications.

This publication has been disapproved due to the violation of Division Operating Procedure 803.2, *Incoming Publications, Specific Criteria for Publication Disapproval* 803.2 # 12. If you are dissatisfied with this decision, you may appeal using the Offender Grievance Procedure within seven days of the date of this letter. Otherwise, in accordance with Operating Procedure 802.1, *Offender Property*, you must dispose of this property using the Property Disposition Form.

LF/sb

(If the grievance coordinator receives a grievance, then he/she must notify personal property/mailroom to retain publication pending review of grievance at all levels).

cc: Grievance Coordinator*
Mail Room
File

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JUL 01 2009

Ombudsman Services Unit

RECEIVED
MAY 22 2009
GRIEVANCE

18. KENNETH BROWN 207902
ED OMBUDSMAN STATE RESID B.313
O. Box PCD
20000 VIRGINIA 241279

RECEIVED
JUL 01 2009
Ombudsman Services Unit

DEPUTY DIRECTOR OF OPERATIONS
P.O. Box 26963
Richmond, VIRGINIA 23261-6963

- Bulk -

INMATE GRIEVANCE RESPONSE FORM
LEVEL IBrown, K. 207902
Inmate Name and NumberRed Onion State Prison
Institution620-29520
Log Number**LEVEL I: Warden's Response** (To be completed and mailed within thirty calendar days.)

Grievance Summary: You stated Chaplain Mitchell has been negligent in his responsibilities to counsel and offer spiritual assistance to you. Your written requests to his office have gone unanswered. You did not get a response to informal complaint #11630 which was due on April 1, 2009. You have only seen the Chaplain once in the 10 months you have been here. He did not get back with you as he said he would concerning your religious rights violation. You also requested Nation of Islam materials which he has not provided. The Chaplain should be making weekly rounds in each pod to address religious concerns.

Informal Summary: You did not get a response to informal complaint #11630.

A face-to-face meeting was conducted for this grievance. Counselor Tiller discussed this issue with you on April 7, 2009.

Investigation: Chaplain Mitchell advised that he has visited you on several occasions to discuss your issues. He has documented that materials have been sent to you through the institutional mail also. Religious materials are donated and are distributed as they become available. Chaplain Mitchell cannot help you with your concern of being denied material when it violates policy. All material is subject to review for compliance with Operating Procedure 803.2 prior to delivery to you. This is done on a case-by-case basis. This is an issue you will need to address with Major Fleming and Property Department, not Chaplain Mitchell. Chaplain Mitchell completes his job duties as required and responds to requests and concerns in a timely manner.

Chaplain Mitchell did not receive informal complaint #11630 according to his records, therefore you did not get a response. It appears to have been misplaced or lost, therefore this grievance is founded. Policy has been violated since you did not get a response to your informal complaint.

Policy/Procedure: Operating Procedure 866.1 and 841.3 govern this issue.

This grievance is **FOUNDED**, as there has been incorrectly applied procedure of this policy. The informal complaint was lost or misplaced in transit. Every effort will be made to ensure this does not occur again.


Warden

 5-5-09
Date

In accordance with procedure 866 governing Inmate Grievance Procedures, if you are dissatisfied with this response you may appeal this decision within five (5) calendar days to:

Regional Director
Western Regional Office
5427 Peters Creek Road, Suite 250
Roanoke, Virginia 24019-3896

 Enclosure C

I wish to appeal the LEVEL I Response because:

NAME AND INMATE NUMBER

DATE

rm



REGULAR GRIEVANCE 2

Log Number: 620-29520

BROWN, K.	207902	D	313
Last Name	First	Number	Building
Cell/Bed Number			

WHAT IS YOUR COMPLAINT? (Provide information from the informal process: Attach Informal Complaint or other documentation of informal process.) IN CONJUNCTION WITH INFORMATION CONTAINED WITHIN COMPLAINT FORM: I'VE REPEATEDLY WRITTEN THE CHAPLAIN, REQUESTING HIS SERVICE TO INTERVIEW REGARDING MY RELIGIOUS RIGHTS VIOLATION, AS IT RELATE TO D.O.P. 841.3 AND 803.2. CHAPLAIN HAS BEEN NEGLIGENT IN HIS RESPONSIBILITIES TO COUNSEL AND OFFER SPIRITUAL ASSISTANCE TO THOSE CONFINED AT A.O.S.P. MY REPEATED AND NUMEROUS REQUESTS TO HIS OFFICE REGARDING THIS MATTER HAS GONE UNANSWERED. IN THE 10 MONTHS I'VE BEEN AT A.O.S.P., I'VE ONLY SEEN THE CHAPLAIN ONCE. IN THAT ENGAGEMENT, HE VERBALLY TOLD ME, HE WOULD INVESTIGATE MY MATTER AND HE WOULD GET BACK WITH ME. HE HAS FAILED TO DO SO. I ALSO REPEATEDLY REQUESTED FROM HIS OFFICE, NATION OF ISLAM MATERIALS/LITERATURE. I HAVEN'T RECEIVED ANY. THE CHAPLAIN HAS NEGATED HIS DUTY - D.O.P. 841.3

What action do you want taken? THAT THE CHAPLAIN MAKE WEEKLY (OR BI-WEEKLY) ROUNDS TO EACH PD, ADDRESS THE SPIRITUAL AND RELIGIOUS CONCERNS OF PRISONERS AT A.O.S.P., OFFER NATION OF ISLAM MATERIALS/LITERATURE, OBTAIN N.O.I. VIDEOS TO BE SHOWN WEEKLY ON CLOSE-CIRCUIT TELEVISION, AND ADDRESS THE CONCERNS OF THE REPEATED DENIAL OF PRISONERS RELIGIOUS PUBLICATIONS. APOLOGIZE TO ALL FOR HIS NEGLIGENCE IN DUTY.

Grievant's Signature: K. Brown Date: 04/02/09

Warden/Superintendent's Office:

Date Received:

R. Mullins
4/6/09

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APR 06 2009

GRIEVANCE

0313



Informal Complaint

INSTRUCTIONS FOR FILING: Briefly write your issue in the space provided on the Informal Complaint form, preferably in ink. Only one issue per Informal Complaint. Place your complaint in the designated area at your facility. A receipt is issued within 2 working days from the date received if the informal complaint is not returned during intake. If no response is received within 15 calendar days, you may proceed in filing a regular grievance. You may utilize your receipt as evidence of your attempt to resolve your complaint.

Offender Name: K. BROWN Offender Number: # 207902 Housing Assignment: 313

☐ Unit Manager/Supervisor ☐ Food Service ☐ Treatment Program Supervisor
☐ Personal Property ☐ Commissary ☐ Mailroom
☐ Medical Administrator ☒ Other (Please Specify): CHAPLAIN

Briefly explain the nature of your complaint (be specific):

I submit this complaint regarding the gross negligence of Chaplain [Name] who is assigned to the spiritual needs of inmates confined at R.D.S.P. As of April 1st to DOP #413. I have personally written the Chaplain regarding violations of my 12th Division Religious Rights and have not heard from him. I spoke with him on 3/10/09. He told me he would address the matter and has not. I am sure that with his input and support from Chaplain [Name] and I, I will be able to DOP #413.

Offender Signature: [Signature] Date: 03/10/09

Offenders - Do Not Write Below This Line

Date Received: 3/17/09

Tracking # 11030

Response Due: 4/1/09

Assigned to: Chaplin

Action Taken/Response:

Respondent Signature

Printed Name and Title

Date

Original - Offender

First Copy - File

Second Copy - Offender as Intake Receipt

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APR 06 2009
GRIEVANCE